

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INFOSINT S.A.,

Plaintiff,

v.

FOREST PHARMACEUTICALS, INC.

Defendant.

Civil Action No. 07-CV-6525 (LAK)

ECF Case

**INFOSINT S.A.'S REPLY TO COUNTERCLAIMS
OF DEFENDANT FOREST PHARMACEUTICALS, INC.**

Plaintiff and Counterclaim Defendant Infosint S.A. ("Infosint") hereby replies to the counterclaims of Defendant Forest Pharmaceuticals, Inc. ("Defendant") as follows. The numbered paragraphs below correspond to the numbered paragraphs of Defendant's counterclaims.

REPLY TO COUNTERCLAIMS

COUNT 1

1. Admitted that Defendant purports to allege a counterclaim for a declaratory judgment of noninfringement, invalidity, and unenforceability of all of the asserted claims of U.S. Patent No. 6,458,973 (the '973 patent) arising under 28 U.S.C. §§ 2201-2202 and United States Code, Title 35. Otherwise denied.

2. On information and belief, admitted.

3. Admitted.

4. Admitted that Defendant purports to allege a counterclaim for a declaratory judgment of noninfringement, invalidity, and unenforceability of all of the asserted claims of U.S. Patent No. 6,458,973 (the '973 patent) arising under 28 U.S.C. §§ 2201-2202 and United States Code, Title 35. Otherwise denied.

5. On the basis of its complaint, Infosint does not contest personal jurisdiction in this district for the purposes of this action. Otherwise denied.

6. Admitted that Infosint S.A. is a Swiss corporation with its principal place of business formerly at Via Cantonale 658a, P.O. Box 83, CH-7745 Poschiave, Li Curt (Switzerland) and presently at Vial da la Stazion, 7742 Poschiavo (Switzerland). Otherwise denied.

7. Infosint admits that an actual and justiciable controversy exists between it and Defendant regarding the infringement of the '973 patent. Otherwise denied.

8. Paragraphs 23 through 40 of Defendant's Answer require no response; however, insofar as any response is deemed required or is inferred, Infosint denies the allegations of those paragraphs.

9. Denied.

COUNT II

10. Admitted that Defendant purports to allege a counterclaim for a declaratory judgment of noninfringement, invalidity, and unenforceability of all of the asserted claims of U.S. Patent No. 6,703,516 (the '516 patent) arising under 28 U.S.C. §§ 2201-2202 and United States Code, Title 35. Otherwise denied.

11. Infosint's reply to counterclaim paragraphs 2 through 6 are restated and incorporated by reference as though fully set forth herein.

12. Infosint admits that an actual and justiciable controversy exists between it and Defendant regarding the infringement of the '516 patent. Otherwise denied.

13. Paragraphs 23 through 40 of Defendant's Answer require no response; however, insofar as any response is deemed required or is inferred, Infosint denies the allegations of those paragraphs.

14. Denied.

PRAYER FOR RELIEF

WHEREFORE, Infosint respectfully requests the Court enter judgment against Defendant to include a decision denying each of Defendant's requested forms of relief against Infosint.

KENYON & KENYON LLP

August 28, 2007

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